

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CITY OF MIAMI GENERAL EMPLOYEES &  
SANITATION EMPLOYEES RETIREMENT  
TRUST and OPERATING ENGINEERS  
CONSTRUCTION INDUSTRY AND  
MISCELLANEOUS PENSION FUND

Plaintiff,

-v-

JAMES DIMON, STEPHEN B. BURKE,  
TODD A. COMBS, JAMES S. CROWN,  
TIMOTHY P. FLYNN, MELLODY HOBSON,  
JOHN W. KESSLER, PHEBE N.  
NOVAKOVIC, and JAMES E. STALEY,

Defendants,

and

JPMORGAN CHASE & CO.,

Nominal Defendant.

23-cv-03903 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On July 6, 2023, defendants James Dimon, Stephen B. Burke, Todd A. Combs, James S. Crown, Timothy P. Flynn, Mellody Hobson, John W. Kessler, Phebe N. Novakovic, and James E. Staley and nominal defendant JPMorgan Chase & Co. ("JPMorgan") filed motions to dismiss the operative complaints in the above-captioned cases. See Dkt. 24; Dkt. 28. Upon consideration of all parties' written submissions, the Court hereby grants those motions on the ground that plaintiffs have failed to make pre-suit demand on the board of directors of JPMorgan or adequately allege that doing so would be futile. In light of this

conclusion, Court does not reach defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted.

An opinion explaining the reasons for these rulings will follow in due course, at which time judgment will be entered.

The Clerk of the Court is respectfully directed to close entry numbers 24 and 28.

SO ORDERED.

New York, NY  
August 9, 2023

  
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JOEL S. RAKOFF, U.S.D.J.